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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,172	08/05/2003	Jan Zbigniew Szopinski	980-4-1	6340
30448	7590	10/20/2005	EXAMINER	
AKERMAN SENTERFITT			APANIUS, MICHAEL	
P.O. BOX 3188			ART UNIT	
WEST PALM BEACH, FL 33402-3188			PAPER NUMBER	

3736

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/634,172	SZOPINSKI, JAN ZBIGNIEW	
	Examiner	Art Unit	
	Michael Apanius	3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-11 is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>08052003</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in South Africa on 6 July 1998. It is noted, however, that applicant has not filed a certified copy of the ZA 98/5900 application as required by 35 U.S.C. 119(b).
2. Furthermore, a copy of PCT/ZA99/00048 filed 6 July 1999 was not submitted.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "11.1" has been used to designate both an electrode (figures 1-3 and 7) and an address bus (figures 5, 6 and 8). Furthermore, references characters "22.1" and "22.3" designate two different lines in figure 7. Furthermore, reference character "16.1" (used twice in figure 5 and once in figure 7) appears to point to multiple features of the drawings.
4. The drawings are further objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: keypad interface "17" (page 20, line 16), transformer "43" (page 20, line 20), relays "40" and "42" (paragraph bridging pages 20 and 21), output "22.5" (page 22, line 3) and FPGA "25" (page 22, line 12).
5. The drawings are even further objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in

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the description: "16.2", "16.4", "16.8", "21", "22", "23", "25a", "25.1", "26.2", "27" and "27.2" in figure 5; "16.8", "22.6", "22.7", "25b", "25.5", "30.1", "30.2" and "32" in figure 6; "22.8", "40.1" and "42.1" in figure 7; and "25.1" in figure 8.

6. Applicant is requested to check the accuracy of the figures due to the presence of numerous errors and inconsistencies, especially regarding figures 4-8.

7. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

8. The abstract of the disclosure is objected to because it contains more than 150 words. Correction is required. See MPEP § 608.01(b).

9. The disclosure is objected to because of the following informalities:

- a. At page 5, line 4, "be" should be deleted.
- b. At page 6, line 14, "Third value" should be --The third value--.

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- c. At page 8, line 15, "sate" should be --state--.
- d. At page 10, line 18, "measuement" should be --measurement--.
- e. At page 19, line 15, "An" should be --A--.
- f. At page 21, line 1, the duplicate period should be deleted.
- g. At page 26, line 6, --to-- should be inserted between "applied" and "produce".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexeev et al. (US Patent No. 5,409,011) in view of Masopust (US Patent No. 5,339,827).

12. Regarding claim 1, Alexeev et al. discloses an apparatus for diagnosing a state of health of an organ having an electrical signal generator (13); a calibration electrode (3), a measurement electrode (one electrode of 2), and a reference electrode (1), indirectly connected to the generator, the calibration electrode is a point electrode having a small skin-contactable surface area and the measurement electrode has a significantly larger skin contactable surface area; recording means (19) capable of

recording a first measured value of a first parameter which is dependant on the resistance between the calibration and references electrodes when placed in contact with skin, and a second measured value of a second parameter which is dependant on the resistance between the measurement and references electrodes when the calibration electrode has been replaced by the measurement electrode; and means (17) capable of comparing the measured vales to obtain a third value indicative of the state of health of the organ.

13. Regarding claims 1 and 2, Alexeev et al. does not expressly disclose that an AC potential difference is applied between the electrodes.

14. Regarding claim 3, the apparatus has a display means (22) capable of indicating a first zone of skin.

15. Regarding claim 4, the display means is capable of indicating zones of skin on a foot or ear.

16. Regarding claim 5, the apparatus is capable of expressing the third value as a ratio of the first and second measured values.

17. Regarding claim 6, the apparatus includes communication means (22) capable of communicating to an operator the state of health of the diagnosed organ.

18. Masopust discloses an electrical signal generator (figure 2) for applying an AC potential difference (column 5, lines 54-57) between electrodes for the purpose of making more precise measurements (column 2, lines 10-24). Regarding claim 2, the frequency of the AC signal is capable of equaling 250Hz.

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19. It would have been obvious to one having ordinary skill in the art at the time of invention to have used an AC potential difference as taught by Masopust in the apparatus of Alexeev et al. in order to make more precise measurements.

Allowable Subject Matter

20. Claims 7-11 are allowed.

21. The following is a statement of reasons for the indication of allowable subject matter: no prior art of record teaches or fairly suggests a method of diagnosing a state of health of an organ as set forth in claim 7 and its dependent claims 8-11.

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent No. 5,546,954 discloses a method and apparatus of applying high frequency wave current to reactive electro-permeable point of patient. SU Publication No. 850081B discloses a locator for electro-anomalous cutaneous zones. SU Publication No. 1210831A discloses medical acupuncture point search apparatuses.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Apanius whose telephone number is (571) 272-5537. The examiner can normally be reached on Mon-Fri 8:30am-5pm.

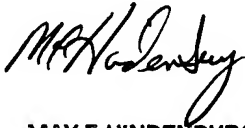
24. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571) 272-4726. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

25. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MA


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